IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.804 OF 2007
WITH
NOTICE OF MOTION NO.2028 OF 2007
IN
SUIT NO.3938 OF 2001

Jamuna Darshan CHS Ltd. & Ors. ..Plaintiffs.

V/s.

M/s. J.M.C.& Meghani Builders. ..Defendants.

And

Bhavana Rajesh Choksi & Anr. ..Respondents.

Ms.Sukesh Bhandari for applicant.

Mr.Y.T.John with Ajay Panicker for defendants.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 8, 2007.

P.C. :

1. Heard counsel for the parties.

2. Although this chamber summons has been opposed by the defendants and respondents through counsel; having regard to the nature of controversy involved, I see no reason to deny the relief claimed in the Chamber Summons of permitting amendment in terms of the Schedule to the Chamber Summons. This order however, will not affect the merits of the

contentions in any manner. In other words, the amendment permitted will be without prejudice to the rights and contentions of the parties. All questions on merits including issue of limitation to will have to be considered in accordance with the law. Chamber summons is made absolute in term of prayer clause (a). Amendment to be carried out within one week from today, failing which office to proceed on the assumption that this Chamber Summons has been dismissed for non-prosecution.

3. If amendment is carried out in time, Notice of Motion no.2028 of 2007 be placed for hearing under caption "ad-interim" on 20th June, 2007. In the mean time, it will be open to the parties to file further affidavits, as may be advised in the Notice of Motion including to deal with the amendment granted under this order.

4. As interim protection has been continuing so far, the same will continue till 20th June, 2007, when the Notice of Motion will proceed for hearing.